

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

CURTIS LEON DAVIS, JR.

Plaintiff,

v.

**CIVIL ACTION NO.: 3:22-CV-82
(GROH)**

**CORRECTIONAL OFFICER COSTELLO, and
CORRECTIONAL OFFICER TIBBS,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 24. Pursuant to this Court’s Local Rules, this matter was referred to Judge Trumble. Judge Trumble issued an R&R on July 14, 2022, recommending that the Plaintiff’s Complaint [ECF No. 1] be dismissed without prejudice.

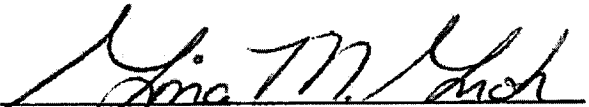
Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of the Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the *pro se* Plaintiff on July 19, 2022. ECF No. 26. As of the date of this Order, no objections have been filed. However, the Plaintiff has since filed two letters with the Court. ECF Nos. 27, 28. In his first letter, the Plaintiff summarizes his claims against the Defendants and provides the Court with a letter from United States Senator Shelley Moore Capito. Similarly, in his second letter, the Plaintiff restates his claims against the Defendants. Neither letter responds to, cites to or even acknowledges Magistrate Judge Trumble's R&R. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline for the Plaintiff to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 24] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active docket. The Clerk is **FURTHER DIRECTED** to mail a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: September 20, 2022


GINA M. GROH
UNITED STATES DISTRICT JUDGE